

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI**

MARSHA ROBYN WALLEN, *et. al.*,

Plaintiffs,

v.

**ST. LOUIS METROPOLITAN TAXICAB
COMMISSION, *et al.*,**

Defendants.

Case No. 4:15-CV-1432-HEA

**JOINT MOTION TO MODIFY CASE MANAGEMENT ORDER AND TO STAY
DISCOVERY AND MEMORANDUM IN SUPPORT THEREOF**

The parties, by and through their attorneys of record, move for a second modification of the Case Management Order (ECF. No. 64 as amended by ECF. No. 72) and a further stay of discovery in this matter. In support of this motion, the parties state as follows:

1. Plaintiffs filed their Verified Complaint for Injunctive and Other Relief (“Complaint”) on September 18, 2015 (ECF No. 1).
2. In October 2015, Defendants filed motions to dismiss the Complaint (see ECF Nos. 39-42, 45-46) (“Motions to Dismiss”) which this Court rules on October 6, 2016 (see ECF No. 73).
3. Plaintiffs filed an Amended Complaint on October 20, 2016 (ECF No. 74).
4. Defendants then filed motions to dismiss which have been fully briefed and are currently pending before this Court.
5. The Parties jointly request that the Court modify the Case Management Order (ECF. No. 64 as amended by ECF. No. 72) as follows:
 - a) Plaintiffs shall disclose expert witnesses and provide the reports required by Fed. R. Civ. P. 26(a)(2) no later than 8 weeks following the Court’s decision on

Defendants' Motion to Dismiss. Plaintiffs shall make experts available for deposition no later than 11 weeks following the Court's decision on Defendants' Motion to Dismiss.

b) Defendants shall disclose expert witnesses and provide the reports required by Fed. R. Civ. P. 26(a)(2) no later than 16 weeks following the Court's decision on Defendants' Motion to Dismiss. Defendants shall make experts available for deposition no later than 19 weeks following the Court's decision on Defendants' Motion to Dismiss.

c) The last day upon which the parties can ask the Court to change the case schedule in this case shall be no later than 22 weeks following the Court's decision on Defendants' Motion to Dismiss.

d) The parties shall complete all discovery in this case no later than 25 weeks following the Court's decision on Defendants' Motion to Dismiss (which date shall be no later than 115 days before the first day of the month of the presumptive trial month). Any written interrogatories, requests for production, or requests for admission served after the date of the Scheduling and Discovery Order shall be served at such a time that allows the served parties the full 30 days as provided by the Federal Rules of Civil Procedure in which to answer or produce by the discovery cut-off date.

e) The parties agree that the case will be referred to Alternative Dispute Resolution no later than 20 weeks following the Court's decision on Defendants' Motion to Dismiss with such reference terminating no later than 29 weeks following the Court's decision on Defendants' Motion to Dismiss.

f) The parties are directed to work in good faith to resolve any discovery disputes that arise. To the extent that discovery-related motions are necessary the parties shall file any such motion no later than 27 weeks following the Court's decision on Defendants' Motion to Dismiss. Any response to such a motion will be due within 10 days of filing the motion. A reply is due within 7 days of filing the response.

g) All dispositive motions shall be filed no later than 29 weeks (which date shall be no later than 100 days before the first day of the month of the presumptive trial month) following the Court's decision on Defendants' Motion to Dismiss. Dispositive motions filed after this date will not be considered by the Court. Parties shall respond to any such motion within 33 weeks following the Court's decision on Defendants' Motion to Dismiss. Any reply in support of a dispositive motion is due no later than 35 weeks following the Court's decision on Defendants' Motion to Dismiss.

h) Any amendment to the Pleadings is due not later than 43 weeks following the Court's decision on Defendants' Motion to Dismiss.

i) The parties submit that this case will be ready for jury trial on or after 50 weeks following the Court's decision on Defendants' Motion to Dismiss. It is anticipated that the length of time to try the case to verdict is approximately three weeks.

6. Pursuant to Federal Rule of Civil Procedure 16(b)(4), a case management order may be modified for good cause and with the court's consent.

7. Furthermore, pursuant to Federal Rule of Civil Procedure 26(c) and (d), this Court has the discretion to stay discovery pending the resolution of a motion to dismiss, as the Court has done in this case so far. *See* FED. R CIV. P. 26(c),(d); *see also Williams v. Scottrade, Inc.*, No. 06-10677, 2006 WL 1722224, at *1 (E.D. Mich. June 19, 2006); *Nichols v. Baptist Mem'l Hosp., Inc.*, No. 02-2561, 2004 WL 2905406, at * 2 (W.D. Tenn. Apr. 2, 2004). "A stay of discovery pending the determination of a dispositive motion is an eminently logical means to prevent wasting the time and effort of all concerned, and to make the most efficient use of judicial resources." *Chavous v. D.C. Fin. Responsibility & Mgmt. Assistance Auth.*, 201 F.R.D. 1, 2 (D.D.C. 2001) (internal quotation marks omitted).

8. The parties assert that good cause exists for modifying the Case Management Order and extending the deadline for responding to discovery until after the Court rules on the Motions to Dismiss, because the requested relief would prevent the parties from the undue burden and expense of responding to discovery while the Motions to Dismiss are pending.

9. For the foregoing reasons, Plaintiffs and Defendants respectfully request that the Court enter an order: (a) modifying the Case Management Order (ECF. No. 64 as amended by ECF. No. 72) such that all outstanding deadlines are extended; and (b) holding that discovery be stayed until such time as the Court rules on the Defendants' Motions to Dismiss, and that, if discovery responses are still required after the Court's rulings on the Motions to Dismiss, Defendants' responses to Plaintiff's Discovery Requests shall be due no earlier than 30 days after the Court rules on Defendants' Motions to Dismiss.

Dated: January 23, 2017

By: /s/ James F. Bennett

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CERTIFICATE OF SERVICE

I hereby certify that on January 23, 2017, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system on all counsel of record.

/s/ James F. Bennett